UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-00284-FDW

ANTHONY M. AIKENS,)	
Plaintiff,)	
vs.)	OPPED
JOHN G. WALKER, et al.,)	<u>ORDER</u>
Defendants.)	
)	

THIS MATTER is before the Court on periodic status review following the Plaintiff's failure to comply with the Court's Order requiring Plaintiff to notify the Court of his change in address [Doc. 12] and the return of mail sent to Plaintiff's listed address as undeliverable.

On December 12, 2019, the Court entered an Order requiring the Plaintiff to notify the Court of his change in address after the Court received notification from Plaintiff's place of incarceration that Plaintiff was released from custody. [Doc. 12]. Plaintiff's current address is listed on the docket report as Attica Correctional Facility, P.O. Box 149, Attica, New York 14011-0149. Further, on December 30, 2019, the Court received notice that this Court's Order was being returned as undeliverable to Plaintiff, as Plaintiff is no longer at that address, and there is no updated address.

The Court, therefore, will dismiss this action without prejudice. A plaintiff has the obligation to notify the Court of an address change. Plaintiff has failed to notify the Court of his change in address. Therefore, this action will be dismissed without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b)

of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail).

IT IS, THEREFORE, ORDERED that:

- 1. This action is dismissed without prejudice.
- 2. The Clerk is directed to terminate the case.

Signed: January 3, 2020

Frank D. Whitney

Chief United States District Judge